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PART – I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA

NIRVACHAN SADAN, PLOT NO. 2, SECTOR-17, PANCHKULA, HARYANA-134109

Order

The 22nd March, 2021

No. SEC/3ME/2021/790-854.— The General Election of Municipal Corporation, Faridabad was held on 08.01.2017 and the result of the elected candidates was declared on the same day.

2. Section 8B of the Haryana Municipal Corporation Act, 1994, every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

3. Section 8D of the Haryana Municipal Corporation Act, 1994 read with Section 10 A of the Representation of People Act, 1951 further provides that if the Election Commission is satisfied that a person –

(a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and

(b) has no good reason or justification for the failure

the Election Commission shall, by order published in the Official Gazettee, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

4. In pursuance of the above provisions, the State Election Commission, Haryana vide its notification No. SEC/3ME/2015/628, dated 03.06.2015 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 8B of the Haryana Municipal Corporation Act, 1994 had prescribed the limit of expenditure of Rs. 2,10,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Corporation, Faridabad and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.

5. The State Election Commissioner, Haryana in exercise of powers contained under Section 9(1A) of the Haryana Municipal Corporation Act, 1994 authorized Assistant State Election Commissioner, State Election Commission, Haryana vide order No. SEC/1ME/2020/1833, dated 12.11.2020 to decide the cases of disqualification of the candidates, who failed to lodge their account of election expenses within the prescribed time.

6. As reported by the Deputy Commissioner, Faridabad, the following candidates had contested the election of Municipal Corporation Faridabad held on 08.01.2017 but failed to submit their election expenditure account:-

Sr. No.	Name of Candidate	Ward No.
1.	Renu Rawat	1
2.	Baby Verma	1
3.	Raj Kumari	1
4.	Sudeshna Devi	2
5.	Gyanti Devi	2
6.	Neha	2
7.	Priti	2
8.	Rakesh Deshwal	3
9.	Hardev Parshad	3
10.	Urmila Nathani	4
11.	Anju Gupta	4
12.	Neetu Devi	13
13.	Poonam	13
14.	Tanya	13
15.	Pooja	13
16.	Bimla	13
17.	Asha Kathuriya	14
18.	Jatin Bhatia	14
19.	Naresh Gosain	14
20.	Meena Gulati	14
21.	Vinod Kumar Chopra	14
22.	Aditya Gaura	15
23.	Pooja Nagar	15
24.	Raj Kumar Arora	15
25.	Anil Kumar	16
26.	Khoob Mohammad	16
27.	Manish Soni	16
28.	Pradeep Kalyana	18
29.	Amit Maglani	19
30.	Narender Vashishtha	19
31.	Rita Bhadana	20
32.	Satender Yadav	22
33.	Uma Bharti	23
34.	Poonam Sharma	24
35.	Punit Mishra	25
36.	Rashmi Mishra	25
37.	Lokesh	26
38.	Jagjeet Singh	27
39.	Sunil Chechi	27
40.	Veer Singh	28
41.	Ombir	28
42.	Ravi	28

43.	Surjeet Tanwar	28
44.	Anju Kumari	29
45.	Gunjan	29
46.	Parvinder	30
47.	Rajesh Kumar Shama	31
48.	Ajay Kumar	33
49.	Hari Lal	33
50.	Mitlesh Kumar	33
51.	Ujjawal Chaudhary	36
52.	Jitender	36
53.	Ajit Chahar	37
54.	Jitender Kumar	37
55.	Raj Kumar	37
56.	Anita Rani	38
57.	Jyoti Yadav	38
58.	Gunjan Dua	39
59.	Mukesh Bhatti	39
60.	Suman	40

7. The Commission had served a show cause notice upon them to explain as to why they should not be disqualified on account of non submission of election expenditure account within the period. They neither submitted their election expenditure statement nor responded to the show cause notice. I, had given them an opportunity of personal hearing on 29.01.2021 at 12.30 PM in the office of State Election Commission, Haryana, "Nirvachan Sadan", Plot No.2, Sector-17, Panchkula in the interest of natural justice. Joint Commissioner, NIT, Faridabd sent an email dated 25.01.2021 and submitted the notice has been served to all the candidates. It has been observed that notice of personal hearing has been delivered to all the candidates in person or through their family members.

8. The contesting candidates mentioned at Sr. No. 1 to 12, 14 to 18, 20 to 24, 26 to 34, 36, 37 and 39 to 60 neither appeared before me nor filed any representation. Therefore, it can be concluded that they have nothing to say in the matter. Hence, they are proceeded ex-parte. The above noted candidates deserve to be disqualified.

9. Candidates mentioned at Sr. No. 13, 19, 25, 35 and 38 did not appear for personal hearing. Candidate mentioned at Sr. No. 13 submitted his election expenditure register and explanation in this regard and stated that :-

"I have contested Councilor Election of Municipal Corporation Faridabad from Ward No.13 and due to heavy workload between the election campaign, I have got ill(Jaundice) and thereafter I cannot check the expenditure register and now submitting my election expenditure."

Election expenditure statement was required to be submitted within thirty days after the declaration of election result. But the said candidate has not submitted any medical report regarding her illness. Thus it is presumed that the said candidate has failed to file his election expenditure within the prescribed time limit and deserves to be disqualified.

10. Candidate mentioned at Sr. No. 19 submitted his explanation in this regard and stated that:-

"I have got injured on 10.01.2017 due to attack by opposition and admitted in Escort Hospital and unable to walk. I have submitted my election expenditure on 13.02.2017 to Mr. Dhamija, Accounts Officer and receipt in this regard is attached herewith."

Election expenditure statement was required to be submitted within thirty days after the declaration of election result. But the said candidate has not submitted any medical report regarding her hospitalization. Thus it is presumed that the said candidate has failed to file his election expenditure within the prescribed time limit and deserves to be disqualified.

11. Candidate mentioned at Sr. No. 25 has submitted his explanation to the show cause notice on 08.08.2017 received in the Commission on 17.08.2017. On perusal of his explanation it has been observed he could not submit his election expenditure due to odd circumstances. He has send his election expenditure register with his explanation and requested to accept his election expenditure register and further requested to not to take any action against him.

The said candidate did not appear during personal hearing neither he has could satisfy in his explanation the odd circumstances under which he could not submit his election expenditure Election expenditure statement beyond the prescribed time limit. Thus it is presumed that the said candidate has failed to file his election expenditure within the prescribed time limit and deserves to be disqualified.

12. Candidate mentioned at Sr. No. 35 did not appear for personal hearing and sent a letter and stated that she had contested the election from Ward No. 25 but failed to lodge her election expenditure due to illness of his father-in-law and went to Bihar. She further stated that now she was unable to trace her election expenditure statement. Thus it is presumed that the said candidate has failed to file her election expenditure within the prescribed time limit and deserves to be disqualified.

13. Candidates mentioned at Sr. No. 46 did not appear for personal hearing and sent a letter in which he has stated that due to heart operation he was not able to appear for personal hearing and further submitted he will not contest the election in the future. Thus it is presumed that the said candidate has failed to file his election expenditure within the prescribed time limit and deserves to be disqualified.

14. Hence I, Parmal Singh, Assistant State Election Commissioner, Haryana, hereby order that all the above mentioned 60 candidates mentioned in para 6 are disqualified under Section 8D of the Haryana Municipal Corporation Act, 1994 read with Section 10 A of the Representation of People Act, 1951 for being chosen as, and for being a member of Municipality for a period of three years from the date of this order.

15. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Faridabad immediately.

Panchkula :
The 22nd March, 2021.

PARMAL SINGH,
Asstt. State Election Commissioner, Haryana.